

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re: ~~POSAMAX~~ PRODUCTS
LIABILITY LITIGATION
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JUDGE JOHN F. KEENAN

MARY JANE PAULING-JONES,

Civil Action No. 07-6427

Plaintiff,

v.

MERCK & CO., INC.,

WAIVER OF SERVICE
OF SUMMONS

Defendant.
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To: Howard L. Nations, 4515 Yoakum Blvd. Houston, TX 77006

I acknowledge receipt of your request that I waive service of a summons in the action of *Mary Jane Pauling-Jones v. Merck & Co., Inc.*, which is case number 07-6427 in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I or Merck & Co., Inc. be served with Judicial process in the manner provided by Rule 4.

Merck & Co., Inc. will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against ~~Merck & Co., Inc.~~ ^{Merck & Co., Inc.} if an answer or motion under Rule 12 is not served upon you within sixty (60) days after August 6, 2007, or within 90 days after that date if the request was sent outside the United States.

8/15/07
Date

David J. Heubeck
Signature

David J. Heubeck
Printed/typed name: Venable LLP, 2 Hopkins Plaza,
Suite 1800, Baltimore, MD 21201
as: Outside Counsel for
of Merck & Co., Inc.